

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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PETER M. BERNEGGER,

Plaintiff,

v.

Case No. 07-C-1028

WASHINGTON MUTUAL, F.A., et al,

Defendants.

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PETER M. BERNEGGER,

Plaintiff,

v.

Case No. 08-C-335

JAY J. PITNER,

Defendant.

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**ORDER**

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This matter comes before the court on the Defendants' unopposed motion to consolidate the above captioned cases, in which Plaintiff Peter M. Bernegger asserts multiple common law tort claims, and alleges violations of his rights under the United States Constitution and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* Because these actions involve common questions of law and fact, the motion to consolidate is **GRANTED**.

Also before the court is a motion by Bernegger purporting to seek a preliminary injunction "upon the Waupaca Circuit Court Notice of Confirmation Sale Hearing order entered June 6th, 2008," and enjoining ongoing Wisconsin state court proceedings in connection with a foreclosure action on his property in Waupaca County. To the extent Bernegger requests that this court

invalidate a prior state court order, the court is precluded from doing so under the Rooker-Feldman doctrine, which acknowledges that federal district courts lack subject matter jurisdiction to hear claims seeking review of state court judgments. *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *see Brokaw v. Weaver*, 305 F.3d 660, 664 (7th Cir. 2002) (“No matter how erroneous or unconstitutional the state court judgment may be, the Supreme Court of the United States is the only federal court that could have jurisdiction to review a state court judgment.”). The other relief Bernegger seeks, the staying of ongoing state court proceedings, is granted in only the most unusual of circumstances. The Anti-Injunction Act, 28 U.S.C. § 2283, prohibits a federal court from enjoining proceedings in state court subject to three narrowly-read exceptions not applicable here. Because Bernegger’s motion fails to set forth any facts that would support the granting of such drastic and extraordinary relief, his motion for a preliminary injunction is **DENIED**.

**SO ORDERED** this 11th day of June, 2008.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge